(Deputy Chairman—in the Chair.)

VI. GOVERNMENT BILL.

THE MADRAS CULTIVATING TENANTS PROTECTION AND PAYMENT OF FAIR RENT (AMENDMENT) BILL, 1969 (L.A. BILL NO. 8 OF 1969.)

THE HON. THIRU K. A. MATHIALAGAN : Mr.Chaiman, Sir, I move—

"That the Madras Cultivating Tenants Protection and Payment of Fair Rent (Amendment) Bill @ 1969 (L.A. Bill No. 8 of 1969), as passed by the Assembly be taken into consideration."

During August 1968, the Government brought before the Legislative Assembly a Bill called the Tamil Nadu Agricultural Lands Record of Tenancy Rights Bill, 1968 (L.A. Bill No. 18 of 1969) so as to provide for the preparation and maintenance of record of tenancy rights in respect of agricultural lands as a preliminary step towards implementation of further progressive land reform legislation. According to clause 2 (8) (a) of that Bill, "tenant", in relation to any land to which the Madras Cultivating Tenants Protection Act, 1955 (Madras Act XXV of 1955) applies means a cultivating tenant as defined in clause (*aa*) of section 2 of that Act and includes a sub-tenant, if he contributes his own physical labour or that of any member of his family in the cultivation of such land. The object was that the record of tenancy rights which is to be prepared and maintained under the said Bill when enacted into law, should also contain particulars about the sub-tenants.

The Select Committee which considered the Bill suggested that before the law relating to the preparation of Record of Tenancy Right is enforced, sub-tenants should be protected from eviction in the same way as a cultivating tenant under the Madras Cultivating Tenants Protection Act, 1955. In pursuance of this suggestion of the Select Committee, the Government have brought forward this present Bill. Under the present Bill, a sub-tenant who contributes his own physical labour or that of any member of his family in the land will be deemed to be a cultivating tenant for the purpose of the Madras Cultivating Tenants Protection Act, 1955.

In Kathaperumal Padayachi vs *Muthiah Odayar*—(1963 I M.L.J. 359), it was held that a sub-lease cannot have any rights as against the head lessor as there is neither privity of estates nor privity of contract between the head lessor and the sub-lesssee and that the head lessor's right will not be affected by the sub-lease and that the sub-tenant's rights will stand or fall with the right of the chief tenant. It has been considered necessary that if a sub-tenant continues in possession of the land notwithstanding that the person who sub-let the land to such sub-tenant ceases to have the right to possession of such land either by efflux of the main lease or by forfeiture thereof, then the sub-tenant should have the right to protection from eviction. Such a sub-tenant has to be treated as a cultivating tenant for the purposes of the Madras Cultivating Tenants Protection Act. 1955 (Madras Act XXV of 1955).

To give effect to the above objects clause 2 of the Bill seeks to make suitable changes in the definition of a cultivating tenant as contained in clause (*aa*) of section 2 of Madras Act XX of 1955. The other changes made by clause 2 of the Bill in Madras Act XXV of 1955 are consequential.

Clause 3 seeks to make suitable changes in the Madras Cultivating Tenants (Payment of Fair Rent) Act, 1956 consequent on the amendment suggested in clause 2 to the Madras Cultivating Tenants Protection Act, 1955.

I request the House, Sir, to accept the motion.

DEPUTY CHAIRMAN : The question is—

"That the Madras Cultivating Tenants Protection and Payment of Fair Rent (Amendment) Bill, 1969 (L.A. Bill No. 8 of 1969, as passed by the Assembly, be taken into consideration."

The motion was put and carried and the Bill was taken into consideration.

Clauses 2 and 3 were put and carried.

Clause 1, the Long Title and the Enacting Formula were put and carried.

THE HON. THIRU K. A. MATHIALAGAN : Sir, I move—

"That the Madras Cultivating Tenants Protection and Payment of Fair Rent (Amendment) Bill, 1969 (L.A. Bill No. 8 of 1969), as passed by the Assembly, be passed."

DEPUTY CHAIRMAN : The question is—

"That the Madras Cultivating Tenants Protection and Payment of Fair Rent (Amendment) Bill, 1969 (L.A. Bill No. 8 of 1969), as passed by the Assembly, be passed."

The motion was put and carried and the Bill was passed.

DEPUTY CHAIRMAN : Here are the statistics in respect of the present session.

Number of days the Council met including to-day ...	22 days.
Number of Members who took part in the discussion on the Governor's Address	37
Number of Members who took part in the General discussion on the Budget for 1969–70	38
Total number of hours the Council met (excluding to-day)	5.14
Total number of questions received	1,574
Number of starred questions admitted	742
Number of unstarred questions admitted	212
Number of thrust notice questions admitted	7
Number of questions referred back to Members ...	59

Number of questions referred to Departments of Secretariat	269
Number of questions disallowed	285
Number of starred questions included in the list of starred questions	360
Number of starred questions answered	348
Number of questions postponed	12
Number of short notice questions answered ...	1
Number of answers to unstarred questions laid on the table of the House	30

Number of questions given notice of by Members

Thiru N. R. Thiagarajan	1,174
Thiru V. Isvaramurti	75
Thiru T. K. Subbiah	55
Thiru G. Krishnamoorthy	53
Thiru M. Rajah Iyer	41
Thiru D. Santosham	33
Thiru M. Sankaralingam	32
Thiru N. Sundaresa Thevar	23
Thirumathi Clubwala Jadhav	11
Thiru V. Thangapandian	16
Thiru R. Krishnaswami Naidu	11
Thiru T. K. Shanmugham	5
Thiru M. Aiyaswamy	8
Thiru K. Ramakrishna Achari	6
Thiru A. R. Damodaran	2
Thiru S. Raghavanandam	3
Thiru Saw. Ganesan	9
Thiru P. Thirugnanasambandam	17

42 Now the House will adjourn *sine die.*

m. The House then adjourned *sine die.*

VII.—PAPERS LAID ON THE TABLE OF THE HOUSE

A. Statutory Rules and Orders.

107. Notification issued with G.O. Ms. No. 800, Home, dated 20th Marih 1968, exempting from the payment of tax leviable under the Madras Motor Vehicles Taxation Act, 1931, the vehicles bearing registration MSQ 2837 and MSQ 2841, belonging to the Co-operative for American Relief Everywhere, Incorporated, Madras, on and from the dates on which the vehicles were brought into this State and for so long as they are used for the purposes of the said Co-operative. [*Laid on the Table of the House under section* 11 (2) *of the Madras Motor Vehicles Taxation Act,* 1931 (*Madras Act II of* 1931).]